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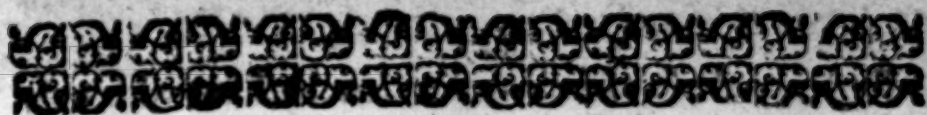
WRITTEN BY
Sir VVilliam Cockburne
of LANGTOVN Knight.



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To the right honourable

and my noble parts,

My LORDS COMMISSIONERS appointed for reformation of diuerse abuses, and first of Tithes.

REason, by reason of some secreet surmising (beleued by the weaker minds, and fostred by the more particularie inclined) that no reformation annent that matter of Tithes is intended, hath imployed mee (as one, whose interest it principally or rather onlie concernes,) Faithfully to report vnto your LL. the true mind of every severall part of my composition: as I haue receaued it from him my over Lord directour and resumer of euery particulare thought, not only of euery particular partie in this businesse, but euen of euerie particular person in whatsoever businesse hath *potentia* truely to thinke. But if any man bee curious to see my procuratory, let him search the hollow of his owne breast, there shall hee finde it.

THE MIND OF THE KING MY HEAD.

OUr gracious Soueraigne aimes nowise to preiudge any mans right, nor to vrge any man further than what hee is tyed vnto by Law: But only out of his princely care, of my benefite intends a reformation of all abuses, and first of Tithes; which is vnderstood to bee threefold.

First, the abuse of their dedication by him who only is proprietar therof, God, *The tithes are mine, and I haue giuen them to the Leuite*, whereby is easily perceiued that the Pastors and Instructors in true knowledge, and the worship of God, are [*ante omnia*] to bee sustained, entertained and maintained, euery man in his place or degree of imployment, by whom the Church is builded, and euery particular person is formed a liuing stone for raising thereof, the chiefe corner remaining, Christ.

Secondly, of vplifting the same, whereby the fruites of the ground are subject to many inconvenients, partly by the sloath, and partly by the malice of Tith-possessours the one beeing carelesse to separate the same from the stocke in due time, and the other maliciously refusing to doe it in due time; whereby the flock in these cold and Northerne partes are subject to the hazard of many inconvenients, by tempestuous weather: As also comming to Tithe, they bring with them such a confluence of men and beasts, like locustes ouershadowing the face of the Earth, running through euery corne field, that the poore labourer of the ground is not able to see the destruction of his fruites, his body not beeing *ubiquiter*, and therefore cannot tell of what to complaine.

Thirdly, by vsurpation vnder the cullour of tithing to intromet with the stock, or a great part thereof, against all reason, law of God, and man: And for reformation of these abuses, Willes that the parties justly grieued, giue in their best quertures unto your LL. of whose dutiefull care his Majestie rests sufficientlie assured.

THE MINDE OF THE CHVRCH MY HEART.

THE Church is heerewith well pleased, for howbeit
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it bee without contraverſie, that the Tith is the Lords, and by him giuen to the Levite: and therefore may not vnjuſtly bee acclaimed by the Paſtours, ſucceſſours to their function, hauing the charge of Gods Tabernacle. Yet conſidering that their office is not naturally hereditarie, but by grace and election. And therefore their preſent maintainance is only to be deſired; ſince their naturall ſucceſſours (as they are their naturall ſucceſſours) haue no right to their ſpirituall poſſeſſions: as the Levites, whoſe children were Levites, whereby all the Church goodes were euer poſſeſſed by Church-men.

Againe, conſidering that they are not reſtrained from purchaſing poſſeſſions amongſt their brethren the Laicks, as the Levites might not inherite nor poſſeſſe any poſſeſſions among the other Tribes, whereby the ſuperabundance of goods, if any they had; of neceſſitie behoued flow backe to their brethren the Laicks from whence it ſprang: otherwiſe their commodities beeing great, and their labour eaſie in purchaſing the ſame, they might happily haue conquered all their brethrens poſſeſſions, and ſo twelue Tribes ſhould bee reduced in one: And therefore ſince they are not thus reſtrained, they deſire no more but a competent allowance according to his Maieſties royall intention aboueſpecified.

As alſo, they are content that the ſuperplus bee in his Maieſties Power to bee employed for the publicke benefite of the Kirke and common-wealth, and for recompenſing in ſome ſort of ſuch particular perſons as his Maieſtie out of his royall diſpoſition ſhall thinke himſelfe in conſcience tyed to conſider, in reſpect of the forme of their acquiring of poſſeſſion of Tythes, howſo-
euer the right cannot ſtand in Law. But firſt of all they
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desire your LL. consider, how nothing is more necessarie for instruction in Knowledge, and the worship of God, than the knowledge of letters, the first *medium* whereby a man, or rather the Image of God potentially, is reduced in act. And therefore it is very requisite that every man bee instructed in his youth in the first degree thereof, which is reading, whereby hee is not onlie able to see the ground of all their doctrine [*the Scriptures*] whereof they are the explicators, but even to see them, and all explicatours thereof, in their best show from the beginning: and so may become a noble *Beerean* deseruing preferment before the *Thessalonian*.

For this purpose it is very necessarie, that no Paroche bee without a reader and instructor in reading; the principall entrance to true vnderstanding. The next degree of letters, is the vnderstanding of subtilities and schoole questions, whereby the deepe of Theologie and Philosophy may bee dived into. This is not so necessarie to bee commonly instructed in euery Paroch, Yet it is very necessarie it be sufficiently instructed within this Kingdome, wherby the enemies of Gods flock may finde to their feare not only barking but byting Dogs keeping the Folds. For this purpose it is necessarie that Colledges or seminaries bee erected and provyded for, in some the most eminent parts of the Kingdome.

Thus for the generall ouertures at this time when your LL. shall think good to put the same in practise, I shall more particularly giue ouertures [*de modo.*]

THE MINDE OF THE BARRONS MY BODY.

THE Barrons with all humilitie would beg this reformation, and craues no other favour. For howbeit the

the heeretofore vnjust imployment of tithes, may not vnjustly furnish them a ground to protest against all payment of tyths, and desire a libertie to contribute among themselves for the entertainment of their instructors: yet their hearts can neuer harbour such a thought, when once they remember. First, how forcible nature forces from vs that duetie. For who is so beastly minded or so sensually addicted, to the only care of his sensible part that will not bee content to count with himselfe till hee can count no further, and of all that count pay but one for the nourishment of his Soule? Now who is able to reckon aboue ten? Who then shall bee so beastly as to refuse one of ten, except hee bee *idem* with the beast? what is more to bee said heereanent, I referre to the more learned *Pithagorean*.

Secondly, when they consider the antiquitie of this due tie which *Cain* and *Abel* are thought by some to haue payed by their offerings: but it is specially expressed they were payed in the days of *Abraham*, where the authorities both of the giuer and receauer is notable, viz. the first Father of the faithfull is the giuer, the receauer wherof is the Priest of the most hie God, without Father, without Mother, without kinred hauing neither beginning of dayes, nor end of time; not that he was without them all in respect of nature: but in respect of his supernaturall inter-nall separation from all thinges carnall and temporarie to teache moste high *Mysteries* for accomplishing the will of God, wherein was his only confidence, de-lyte and solace: and so the doers thereof his only kinred, and therefore is likened to the sonne of God, who professed the doers of Gods will to bee his Mother, Brother, and Sister, hee also is called King of right-
wys.

wysnesse; and after, his dwelling Citie is said to be *Salem*, which is peace; for true wisdom is ever King of peace. But thirdly and most of all, when wee remember his divine maiestie, by whom they are acclaimed, who (as a type of that eternall Priesthood, wherevnto the true *Melchisedecke* was internally separate) did externally separate the Levite, to whom they were giuen for their entertainment alanerly. Or what was more, to bee eaten by the stranger the Fatherles or the Widow: and on no wayes to bee employed for their further enriching than present necessitie.

Those things considered, they euen feare to think of withholding the same, like as I thinke euery man should tremble to intromet with the same, or intrometting therewith, should dare to employ it for any private vse, to enriching his Children, or acquyring new possessions: but I leaue every man to his own conscience; for they (being conscious to themselues, that the Tithes belongs not to them) will none of them; howsoever they bee used. And therefore I will onely proceede to their ouertures for reforming these abuses noted by our most gracious Sovereigne. Of these abuses concerning them in particular, the first is by the sloath and malice of the Tithe possessours, and by the vnnecessare confluence of men and beastes, the time of Tithing.

The first part of this abuse is in some sort already provided for, by that statute. 22. Parliament 28 June. 1617. Act 9. But if your LL. think it better that the Tiths, be valued, and according to their valuation, euery Heretour to pay for his owne Tith, I shall be glad to haue it aggriued vpon. The second part of this abuse is easily helped, the vnformall form of tything being reformed. For it carrys no reason that the

Tith

Tith possessour, should (with the Tith corne;) carry away also the strae, which belongs nothing vnto them: for it is no encrease to the owner, since it is ordained to rotte vpon the ground for maintaining the same in the owne strength: and is only taken from the ground of necessitie, for better collecting the cornes: wherefrom beeing once separate it is againe sent vnto the ground, which is thereby the better enabled to yeild her encrease; wherof the benefite redounds aswell to the Tithe as to the stock, and so no man is loser. But if some object; the straw is vsed for fodder and entertainment of beasts in this Country. I answere, in that same respect it ought to bee free of Tithe, because it is the foode of the labourer for it feedes the beastes that till the ground: and there can bee neither law nor reason why either the hyre or food of the labourer should pay tith: especially these by whose labour the tith it selfe is encreased. Neither haue I heereby any designe to stay the tithe possessour from leading his tithe in the sheaue, being doubtfull to haue a good count thereof out of the labourers barne-floore, a certaine yearly valuation not aggried vpon. They only desire, that the tithes may beeled, and set in the labourers Barne-yard, that when the corne is separate from the straw, the straw may remaine with the labourer as *proprium fundi*. And for this cause, euery man shall bee astricted to lead home the Tithe, to the vse of the Tithe possessour; as also to furnish sufficient Barns for threshing the same at needfull times. So shall this confused confluence bee needlesse.

The third abuse is by vsurpation.

For reformation of this abuse; they desire a declaration may bee made what is tithe, and what is stocke,

that a valuation of the Tithes with the stocke may also be more easilie aggrieved vpon. Now if any man in estimating of tithes, can both say and thinke that the Tith is in value a fourth part of the land duetie, I wold gladly heare his argument in reason, for I haue no Logick to proue in *Arithmetick* the tenth to be the fourth part. But if it shall bee answered, the tenth of the stock, and encrease will be the fourth of the free encrease, (for without it bee free it is no encrease.) To this I answere: the tenth of the stocke will bee more than the halfe, if not more ~~all~~ the encrease: for if it bee lawfull to tithe any part of the stocke with the encrease, it is lawfull to tithe all the stock, and consequently, the oxen, horse, nolt, kyne, calves, yowes, lambes, and all must bee tithed, since all is either stocke or encrease, yea, the very ground it selfe must bee tithed, for it is also a part of the stocke. And this I hope beeing vsed but few yeares, the contestation for tithes will expire [*ipso facto*]. Now as this is against all naturall reason, so it is without any speciall Law, for **Deut.** the law of Tithes is plaine, *Thou shalt truly tithe all the 14. 21. encrease of thy seed, that the ground bringeth forth yeare by yeare.* By what law then is the tithe of the stocke vsurped? It will perhaps bee said it is a common practicke in our Iudicatories so to determine. But I answere, as it seemes not good that the equitie of euery practick should ~~not~~ bee narrowly searched vnto: so it is lesse good that euery practick whereof the equitie is not narrowly searched into, should bee esteemed a law for the common well. But of what reputation shall the practicks of inferior Judges bee esteemed, when they agrie not with the practick of the supreme Parliament? For in publick Parliament the practick is past, and a declaration made of the vali-

validitie of tithes compared with the value of the land, read the statute. *1st 6. Parl. 11. chap 29.* where it is declared, the tenth part of that duetie payed for the rowme, stocke and tyth should bee giuen to the tithemaster, and nyne partes to the King, Landflord or superiour. Is not this reason? or hath any iudge in the Kingdome greater authority, whereby he may vilipend this practick, or proceed with another sort of valuation? or if they will doe, is not the sentence reduceable? since by the statute it is plainly ordained *That all the Iudges and Ministers of his Majesties lawes within this Realme, judge and decyde according to this statute, and no other wayes how oft that question shall bee moued.* But I know some would build much, or rather in effect overthrow all, by these subsequent vvords, *In the case foresaid.* To the which I answere it lacketh *alanerly.* But I will not trouble your LL. to dispute vpon such pen-dashes, whether they haue beene by accident, or of set purpose, either adjected or omitted, since I doubt nothing your LL. will easily perceau the verie ordinance it selfe to be superfluous: for thus I reason,

Every Iudge imitating a iust and equitable sentence judgeth rightly.

But euery Iudge judging according to this sentence, imitates a iust and equitable sentence, *Ergo,*

The Major is cleare, the Minor shall be proven when I shall heare it publickly denied. What necessitie is there then of any ordinance for imitation heereof? euen as much as if a command should passe; That Fish should not liue without water, for the naturall element of an vpright Iudge is *equitie*, whereof hee is no sooner sensible but with a gaping greedie appetite he followes vpon it, thereby refreshing his spirits, and strengthening his powers against euery storme.

But it will bee said the cornes haue beene in vse to pay tith both stocke and encrease. J answere, heere is the abuse: if there bee either law or reason for it, let it so continue: But if there bee neither law nor reason for it, reason it bee reformed. For euerie use, which was not so from the beginning requires reformation; yea, sometimes although it bee licenced by authoritie, as is euident by that dispute betwixt our *Sauour* and the *Pharises*. Now it is cleare that this forme of tithing was not in vse from the beginning: for *Abraham*; (whom, as we are faithfull we claime for our Father, and therefore are tyed if not by Law, at the least by example to pay tythes) is said only to giue the tithes of the spoyle. Like as also this vse was never among the *Iewes*, for their Law is expresse against it, as is said. As for any vse crept in of late within this Kingdome: there was many causes for it, which now are not, and therefore *deficiente causa, deficit effectus*. First that statute. Ja. 2, Parl. 14. chap. 82.

Ordaining euery pleugh to sow a firlothe wheate, halfe an firlothe pease, and fourtie beanes, is not as yet two hundredth yeare old: whereby it may appeare how small vse there was for labouring for cornes, some two, three, or foure hundredth yeare before; which all is but a small time, in respect of that time, since tithing first began to bee in vse. Hence it is easily conjectured that the first cause of this use, to tith corne vpon the ground both stocke and encrease, was, because so small partes were laboured at the first, that the tith was not much regarded: as also some choyse partes were only manurde, which beeing fertile in themselues, both by nature and long rest, yeelded such encrease, as the stocke and labour were forgotten by the labourer, rejoycing in the good

good successe of his new husbandry: whereas now the greatest part of the manured grounds will scarce free the charges, if the aire happen to be tempestuous: and even in yeares of plentie, where the ground also is fertile, the third of the growth can hardly be made free to the Landlord.

The second cause, whereby this custome hath beene continued, was, the zeale of the people; who were not only content to continue any custome, for commoditie of the Church-men, but even to dispoſe their particular lands and heritages vnto them.

But this I hope is by *Pandora* sufficiently cooled; since men are now in greater danger to bee esteemed eaters vp thereof, than to bee eaten vp with the zeale of Gods house.

The third cause, and connexor of all, was, the small or no damage they found by so overseeing themselves for as all waters running to the sea, doe neither augment the same, nor diminish themselves. For as the *Rivers* returne to goe vnto the place, whence they came; euen so, what they bestowed vpon Church-men reflowed againe vnto themselves; their poore, their orphans, widowes and strangers all finding hospitalitie with the Church: whereas now the traveller, at their ancient dwelling house, in stead of that hospitable welcome, *peace bee with thee; howsoeuer, let all thy wants ly vpon me; only ludge not in the street;* shall find nothing of what he wants, but peace or if he happen to heare any noise, it shal be commanding him peace and without a *peece* to turne some other way.

But suppose these causes were not remoued: no voluntary ouersight of any abuse can enforce a perpetuall obligation to continue the same.

It will bee yet said, this custome hath beene long practised in all countries, and by all Judicatories approved.

But this is easily denied, for a great many parts, if not the most part of Christendome, haue neuer beene in vse to haue the tithe of their cornes drawne after this forme: yea, many parts are in vse only to pay some small acknowledgment, farre short of the worth of the tithe, of their encrease, and therefore, no further can bee exacted of them according to the canon lawe, *Illa decima necessario solvenda sunt, quae divina lege debentur, vel loci consuetudine approbata*, whereby it is evident that the moste that can bee craued is the whole tithes according to the divine Law aboue-said: like as the least that can be offered is the accustomed or ancient duetie; neither will I disagree from that (indeed) judicious note of Card. Bellarmine, saying, *Sicut consuetudo tollit legem, sic lex tollit consuetudinem*. For it is verie true that the authoritie vpon just and necessarie considerations, may abolish the vse of paying lesse than the Law, and command payment according to the Law. But to command anie more, can neuer bee done by any authority, at the least no authority can command to pay more in name of tith than according to the law of tiths. Much lesse it is reason that authoritie should suffer to bee vsurped and brought in custome, more than the Law, and against all reason, This (I am sure) will cut off all necessitie to value these tithes which of old hath beene valued, and according whereto the possessor hath beene accustomed to pay: who so list to detaine the same according to the pryce; as by the particular parties will easily bee defended in anie judicatorie, remouing, *sic volo, sic iubeo, stat proratione voluntas*:

Ans. From the rest, neuer more can bee required, but according to the diuine Law abouesaid.

But I suppose this alledged custome hath beene indeed long vniuersally approuen by all Iudicatories, and practised by all Countries: then say I, there hath the more need of a reformation to be begun in some Iudicatory, and in some Country: and by what Iudicatory more proper than this? since for this, and suchlike, your LL. are conueened. Can any ordinance passe for the benefite of the common weale, forcing a titular to set according to the valuation, that which in Law hee may justly lifte without giuing any compt of the value thereof? and shall all ordinances bee neglected for remedding that common euill vsed by the titulars, vplifting that, wherevnto by neither law nor reason they haue right? This were but to diuide, not to remeed wrong. Now as heere is the fittest Iudicatory to begin this reformation, so is this Kingdome the fittest to begin the practise therof. Haue we already proceded so far in so faire a course, for reformation of matters in substance, and now beginne to stay at straes? shall we continue an abuse, because it is the vse of our neighbours? *legibus non exemplis vivitur*. Shall we not know our selues? Was not the woman caryed into the wildernesse vpon the great Eagles wings there to bee nourished till the tymes should bee perfected? Was not this land vnknown to the then, tyrannicall powers? or, if it was knowne, was it not knowne but as a desert, a wildernesse, yea, a wildernesse where the Lyon is King? hath the Church then beene so long nourished among vs? and shall wee produce no euidence thereof to the World? or shall wee stay to produce any euidence, whereby it may be knowne, by whom

wee haue beene instructed. *Is not* : *Lyon* appointed the worlds reprobner, and refresher of Gods people? And shall he not first reforme what is worthy reproofe in his owne Forrest? But if any man doubt thus to apply the text: behold the testimonies of *antiquitie*, whereby euen stones are beleeued to be metamorphosed into men. As for men to bee changed into stones is easie and common at the sight of a *Gorgons* head. *Ouid*, that neuer sufficientlie commended collector of antiquities, shews directlie that from the North must come the illuminators of blind *Phinius*, and the banishers of these filthy abusers of princely food: which is more enlarged by that diuine poet *Aristo*. Doth he begesse ascriue vnto the English Duke the horrible affrighting of that famell faction, cruell tyrannizersouer those without whom themselues were nothing or worse? and (howsoeuer forsaken of his feareful friends) couragiouslygoing on to the entrapping of *Caligorant* in his owne net; howsoeuer reserued aliuie as a not vnfit drudge for building the walles of *Jerusalem*? the killing of *Orillo*; howsoeuer easily dismembered yet alwayes rejoyned by the power of only one excrement of his head? The dissolving of the enchanted palace; how manifoldly soeuer his shape at the first appeare deformed, to the notable deceaued Indwellers? Is without a ground ascribed vnto him the banishing of the *Harpyes*, noble indeed vnshathing his sword against them, but to small purpose till from the sound of his horne they hid themselues in *Hell*. No surely, for it is most certaine that the solide subiect wherevpon all true Poets buildes, is laide by *antiquity* they are the planets of Heauen (of whom the Sun is the chiefe or rather the lyfe) The lightes of the earth. The re-
 uivers of the dead, the renuers of antiquitie, the revela-
 tours

tors of Fate, the heraulds of vertue, the vncafers of vice. And howsoeuer to the vulgar eye they seeme but erring starres, yet the more learned astrologie doeth easily perceauie a most sweet harmony, most powerfull effects with most solide conclusions: for, beeing all conueened in their first house, all shall bee found to aggrie in one: for the daughter of antiquitie is *vna*, poore *vna* who long must wander to seeke relief for her beleagured parents against that direfull Dragon, till shee finde a *S. George* a Britaine by birth, but of *fairy* land by education. Behold, with what heavenly trumpets our commission is proclaimed. Shall wee then the now winged twines of *Boreas* begin to frieze for feare, when our shout is able to kindle afreshe the powers of our *Iason*? shall the booke of wisdome lye hid in the pocket? shall the horne of trueth hang mute on the Cassoke? Hou then; shall vertue forseeing her slavery bee able to escape the female yoke? how shall that double statured Gyant beeing stupified with feare bee forced to beare burdings for building our walles? how shall *superstition* bee shaven from the scalpe of errour? And how shall magnanimitie tyed in the darke be strengthened to burst his golden halter? that *Astolpho* in paradise being taught by *S. Iohn*, may returneing restore the sight of *Senapo*, and wit of *Orlando* to the vtter vndoing of *Pagan-pride*. Since thus wee see for what wee are borne, let vs couragiously follow our fate. Shall the poorest groome not spare to pushe his fortoun? And shall wee by destinie appoynted the ~~men~~ of Gods house bee abasht of our office? No surelie: since the Almighty hath made vs divulgators of his Law, let the brightnesse of our face abash the more vulgar,

And now haue your LL. sufficient ouertures (grounded vpon Law, and true reason) whereby custome may bereformed. But if custome bee growne to a second nature (which is too common in euil customs as the Prophet complains *Can the blackmore change his skin, or the Leopard his spots. No more can you that are accustomed to doe euill, doe that which is good*) My passive body ~~must~~ comport with the tims and so acquiesce; only protesting that which is now done bee not prejudiciall to a better reformation, when the Planets shall look with more myld aspect: Thus haue I faithfully delivered my charge for your LL. ease, and my owne health. But if any man shall suppose mee not to be what I professe: let noble *Arthegall* whose presence I long for, and who at length I hope shall proue master of this feast to the vncasing of *Bragadochia*, and restoring *Guyon* to his horse and armour. Let him I say confront mee with another, professing the same name, but of a contrarie disposition.

*Then shall your LL. easily know,
which of vs twaine are ~~the~~ ^{made of} snow.*



Your LL. return

RESPUBLICA







